

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ANTONIO TERRELL HOLLIMAN

PLAINTIFF

v.

No. 5:19-cv-274-DPM

**CRYSTAL COX; BRADLEY WILSON,
Officer, Stuttgart Police Department, and
PAMELA MEEKS, Investigator, DHS**

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No. 7, granted. The Court won't assess an initial partial filing fee because Holliman can't afford to pay one. But his custodian must collect monthly payments from Holliman's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Holliman's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Administrator of the Arkansas County Detention Center, 1000 Ricebelt Avenue, DeWitt, Arkansas 72042.

3. The Court must screen Holliman's complaint. *No 1*; 28 U.S.C. § 1915A. Holliman says he's been unlawfully arrested and charged with rape in Arkansas County. *No 1 at 4, 6-11*. He's awaiting trial. *State v. Holliman*, 01SCR-18-181; *No 1 at 3*. He seeks damages and asks that the charges against him be dropped. *No 1 at 5*.

The Court must abstain from proceeding with Holliman's federal case because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Holliman may raise his constitutional claims during his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Mounkes v. Conklin*, 922 F. Supp. 1501, 1510-13 (D. Kansas 1996). And there's no indication of bad faith, harassment, or any other extraordinary circumstances that would make abstention inappropriate. *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1254 (8th Cir. 2012). Holliman's federal claims must therefore be put on hold until there's a final disposition of his pending state charges. *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603-04 (8th Cir. 1999).

* * *

This case is stayed. Holliman can move to reopen this case after final disposition of his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Holliman doesn't file a timely motion to reopen or a status report by

16 September 2020, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

D.P. Marshall Jr.

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United States District Judge

16 September 2019